

PUBLIC

AI Index: AMR 51/099/2002

24 June 2002

Further information on EXTRA 44/02 (AMR 51/094/2002, 10 June 2002) - Death penalty / Legal concern

USA (Georgia)Wallace Marvin Fugate, (m) white, aged 52

Wallace Fugate received a stay of execution from a judge three hours before he was due to be put to death in Georgia's lethal injection chamber on 18 June 2002. On the afternoon of 21 June, the Georgia Supreme Court upheld the stay.

On 13 June 2002, two members of the five-member Board of Pardons and Paroles resigned amidst long-running allegations of corruption. The Governor only replaced one of them, saying that he would appoint the second replacement at a later date.

On 17 June, the four-member Board denied clemency for Wallace Fugate. His lawyers filed an appeal arguing that the Board violated the state constitution in deciding the case with only four members sitting. They appealed for the execution to be stayed until the Board's vacancy had been filled by the Governor. The defence lawyers also argued that Fugate had been denied a minimum standard of fairness. This was based on the fact that his petition for clemency had been considered and decided in the midst of the ongoing controversy concerning the allegations of corruption at the Board. (Four more staff working at the Board resigned on 21 June after they were told they would otherwise be fired).

The judge hearing Wallace Fugate's appeal requested the Board to voluntarily issue a stay of execution. The Board refused, however, so the judge granted a stay of execution himself. Wallace Fugate had already had his final meeting with his elderly parents and other relatives, and had been given his final meal.

The state appealed to the Georgia Supreme Court to lift the stay of execution. The Court gave the defence until the morning of 20 June to file its arguments. On the afternoon of 21 June, after Wallace Fugate's parents had again said what they believed would be their final goodbyes to their son, the Court upheld the lower court's stay of execution.

Further arguments in the case will be filed with the Georgia Supreme Court over the next month.

No further appeals by the UA Network are requested at present. Many thanks to all who sent appeals.